



Order Filed on August 24, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Authorized Agent for Secured Creditor

130 Clinton Road, Lobby B, Suite 202

Fairfield, NJ 07004

Telephone: 973-575-0707

Aleisha C. Jennings (049302015)

In Re:

Kimberly A. Malmgren,

Debtor,

Case No.: 21-10907-MBK

Chapter: 13

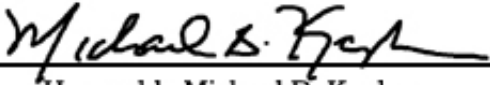
Hearing Date: August 9, 2023

Judge: Michael B. Kaplan

**ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: August 24, 2023


Honorable Michael B. Kaplan
United States Bankruptcy Judge

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THIS MATTER having come before the Court on the Motion for Relief from the Automatic Stay of Nationstar Mortgage LLC (“Secured Creditor”) by and through its counsel, Robertson, Anschutz, Schneid, Crane & Partners, PLLC, as to the real property commonly known as 22 Wolfhill Avenue, Oceanport, New Jersey 07757 (the “Subject Property”), and Jonathan Goldsmith Cohen, Esquire representing Kimberly A. Malmgren (“Debtor”), and for good cause it is ORDERED that Secured Creditor’s Motion for Relief from the Automatic Stay is resolved, subject to the following conditions:

1. The Debtor is in default of post-petition payments owed to Secured Creditor. The following post-petition arrearages remain due and outstanding to Secured Creditor:
 - The Debtor is overdue for 2 months from July 1, 2023 through August 1, 2023.
 - The Debtor is overdue for 2 payments from July 1, 2023 through August 1, 2023 at \$ 2,307.11 per month.

Funds Held In Suspense \$840.68

Total Arrearages Due \$3,773.54

2. Debtor must cure all post-petition arrearages, as follows:
 - Beginning on September 1, 2023, regular monthly mortgage payments shall be timely remitted to Creditor pursuant to periodic adjustments and any Notice of Payment Change(s) filed on the docket.
 - Beginning on September 15, 2023, monthly cure payments shall be made in the amount of \$628.92 for 5 months with a 6th and final payment of \$628.94 coming no later than February 15, 2024.
3. Payments to the Secured Creditor shall be made to the following address(es):
 - Regular monthly payment: Nationstar Mortgage LLC
ATTN: Bankruptcy Dept
PO Box 619094
Dallas, TX 75261-9741

■ Monthly cure payment: Nationstar Mortgage LLC
ATTN: Bankruptcy Dept
PO Box 619094
Dallas, TX 75261-9741

4. Secured Creditor shall retain its first mortgage lien on the Property and none of its rights are being modified.

5. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.

■ This Order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.

■ In the event Debtor's case is Dismissed at any time during these proceedings, the Automatic Stay shall not exist provided no further Order of the Court is entered Reinstating the Stay. Any Consent Order or Agreed Order entered by the Court is binding only during the pendency of this bankruptcy case. If, at any time, the stay is terminated by Dismissal with respect to the Property, this Consent Order/Agreed Order ceases to be binding and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Property and/or against the Debtor.

■ In the event Debtor's case is Discharged, the Automatic Stay expires by Operation of Law and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Property and/or against the Debtor.

6. Award of Attorneys' Fees:

- The Applicant is awarded attorney fees of \$525.00 and costs of \$188.00.

The fees and costs are payable:

- Through the Chapter 13 plan.

7. In the event Secured creditor has not filed a timely Proof of Claim, Debtor consents to the filing and payment by the Chapter 13 Trustee of any late filed Proof of Claim, subject to the right of the Debtor to file an objection as to the amount.